

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

RAY C. TURNAGE; REVEREND D. FRANKLIN
BROWNE; DENNIS D. HENDERSON; CARLOS
WILSON; FRED BURNS; CHARLES BARTLEY;
CLARENCE MAGEE; LINDA PATRICK-CRAFTON;
BARBARA YOUNG; JUANITA J. GRIGGS;
CHERNISE SEAPHUS; MOUNT CARMEL BAPTIST
CHURCH; PINEBELT COMMUNITY SERVICES, INC.;
HALL-FAIRLEY MORTUARY; DEBORAH DELGADO
And On Behalf Of Themselves And All Others Similarly
Situated

PLAINTIFFS

V.

CIVIL ACTION NO. 3:18-cv-00818-CWR-FKB

DANA MAXWELL, Mississippi Public
Service Commissioner; BRENT BAILEY,
Mississippi Public Service Commissioner;
BRANDON PRESLEY, Mississippi Public
Service Commissioner; Individually And In
Their Official Capacity; MISSISSIPPI
POWER COMPANY; SOUTHERN
COMPANY and MIKE MCGREVEY,
Individually And In His Official Capacity
As Deputy Director Of The Mississippi
Development Authority

DEFENDANTS

NOTICE OF APPEAL

Notice is hereby given that in this civil action, Plaintiffs Ray C. Turnage; Reverend D. Franklin Browne; Dennis D. Henderson; Carlos Wilson; Fred Burns; Charles Bartley; Clarence Magee; Linda Patrick-Crafton; Barbara Young; Janita J. Griggs; Chernise Seaphus; Mount Carmel Baptist Church; Pinebelt Community Services, Inc.; Hall-Fairley Mortuary; Deborah Degaldo and on behalf of themselves and all others similarly situated appeal to the United States Court of Appeals for the Fifth Circuit from the District Court's Order granting the

Mississippi Public Service Commissioners' motion to dismiss (Doc. 31) filed on March 27, 2020; from the District Court's Order granting Mississippi Power Company's (MPC) motion to dismiss (Doc. 44) filed on May 26, 2020; from the Order denying leave for plaintiffs to file a third amended complaint (Doc. 51) filed on November 10, 2020; from the Order denying plaintiffs' motion for reconsideration of order granting MPC's motion to dismiss (Doc. 66) filed on November 10, 2020; from the final judgment (Doc. 67) filed on November 10, 2020; and from the Order denying plaintiffs' motion to vacate the final judgment to file Racketeering Influenced and Corrupt Organizations (RICO) Act claims (Doc. 73) filed January 22, 2021.

RESPECTFULLY SUBMITTED, this the 19th day of February, 2021.

Respectfully Submitted,
RAY C. TURNAGE, ET. AL., Plaintiffs

BY: s/Ellis Turnage
ELLIS TURNAGE, Attorney for Plaintiffs

OF COUNSEL:

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CERTIFICATE OF SERVICE

This is to certify that the undersigned has this day served Plaintiffs' Notice Of Appeal on all of the parties to this civil action by:

- _____ Hand delivering a copy hereof to each party attorney as listed below
- _____ Depositing a copy hereof, postage paid, in the United States Mail, addressed to each party's attorney as listed below
- _____ Depositing a copy hereof with a nationally recognized overnight courier service, for overnight delivery, addressed to each party's attorney as listed below
- _____ Telecopying a copy hereof to each party's attorney as listed below
- X Electronically filing a copy hereof with the Court's electronic case filing system which will send electronic mail notifications of the filing of the foregoing document to each party's attorney as listed below
- _____ Sending via electronic mail to each party's attorney as listed below

Hon. Jonathan P. Dyal
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Attorney for Mississippi Public Service Commissioner Defendants

THIS the 19th day of February, 2021.

s/Ellis Turnage

ELLIS TURNAGE